

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIE TAMARA THOMAS,

Plaintiff,

-against-

THE HARTFORD LIFE INSURANCE COMPANY  
OF AMERICA, THE GROUP LONG TERM  
DISABILITY PLAN FOR EMPLOYEES OF  
JPMORGAN CHASE BANK, and, JPMORGAN  
CHASE BANK, INC.

Defendants.  
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Civil Action No.:  
11 Civ. 1490 (LLS) (ECF)

**NOTICE OF MOTION**

DOCUMENT  
**ELECTRONICALLY FILED**

**PLEASE TAKE NOTICE** that, upon the Declaration of Michael Bernstein dated April 28, 2011 and the exhibits annexed thereto, and the accompanying Memorandum of Law In Support Of Defendants' Motion To Dismiss, Defendants Hartford Life and Accident Insurance Company i/s/h/a Hartford Life Insurance Company of America ("Hartford"), The Group Long Term Disability Plan for Employees of JPMorgan Chase Bank(the "Plan"), and JPMorgan Chase Bank, N.A. i/s/h/a JPMorgan Chase Bank, Inc. ("Chase")(collectively, "Defendants") by their attorneys, Sedgwick LLP, will move this Court at a time and date designated by the Court, before the Hon. Louis L. Stanton, U.S.D.J. at the United States Courthouse, Southern District of New York, located at 500 Pearl Street New York, NY 10007-1312, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the plaintiff Marie Tamara Thomas's ("Thomas") five improper causes of action against Hartford that fail to state a claim for which relief can be granted; dismissing Thomas's improper claim for relief under ERISA §502(a)(3); and dismissing all of Thomas's claims against Chase with prejudice, because Chase is not a proper defendant in this matter and because Thomas fails to state a cause of action upon which relief can be granted against Chase.

Dated: New York, New York  
April 28, 2011

Respectfully submitted,

s/

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MICHAEL H. BERNSTEIN (MB 0579)

MATTHEW P. MAZZOLA (MM 7427)

SEDGWICK LLP

Attorneys for Defendants

HARTFORD LIFE AND ACCIDENT INSURANCE

COMPANY i/s/h/a THE HARTFORD LIFE

INSURANCE COMPANY OF AMERICA, THE

GROUP LONG TERM DISABILITY PLAN FOR

EMPLOYEES OF JPMORGAN CHASE BANK,

AND JPMORGAN CHASE BANK, N.A. i/s/h/a

JPMORGAN CHASE BANK, INC.

125 Broad Street, 39th Floor

New York, New York 10004

Telephone: (212) 422-0202

To:

Robert J. Bach, Esq.

60 East 42<sup>nd</sup> Street, 40<sup>th</sup> Floor

New York, New York 10165

**CERTIFICATE OF SERVICE**

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served via ECF and Regular Mail on this 28th day of April 2011, upon the following:

Robert J. Bach, Esq.  
60 East 42<sup>nd</sup> Street  
40<sup>th</sup> Floor  
New York, New York 10165

s/\_\_\_\_\_  
MATTHEW P. MAZZOLA (MM 7427)

Dated: New York, New York  
April 28, 2011